

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

Mr. John William Ward  
President, Amherst College  
Amherst, Massachusetts 01002

Dear Mr. Ward:

Please accept my apology for the tardiness of my reply to your letter of February 2, 1977.

Your appeal from CIA's previous denial of your Freedom of Information request and all related correspondence have been very carefully reviewed by the CIA Information Review Committee which, as you may know from our regulations published in the Code of Federal Regulations [Paragraph 1900.51(a) of Chapter XIX, Title 32], is composed of the Deputy Directors of the CIA. After due consideration of all questions involved in this matter, including specifically the points raised in your letter, as well as the Freedom of Information Act itself, the relevant case law, and the responsibilities of the Director of Central Intelligence pursuant to the National Security Act, the Information Review Committee has decided to affirm the decision communicated to you in the September 24, 1976, letter of Gene F. Wilson, the Information and Privacy Coordinator.

In your letter of May 17, 1976, you said that you wished to know "whether any intelligence operations conducted by the CIA has involved any faculty member, student or employee of Amherst College, including but not limited to paid or unpaid agents or informers." Your letter also stated that, while you did not request the names of any specific individuals, you wished to know "whether and to what extent any individual at Amherst College may have been involved in covert relations with the CIA."----As you know, the Freedom of Information Act provides that a requester may be given access to government records but does not oblige the government to reply to specific questions. Nevertheless, inasmuch as the letter by former Director George Bush, dated June 5, 1976, apparently did not satisfactorily resolve your questions, in the spirit of the Freedom of Information Act we have interpreted your request as a request for records that might exist which would be responsive to the questions you have asked in your May 17 letter.



The CIA can neither confirm nor deny that it has any records which might be responsive to your request. Pursuant to the National Security Act of 1947 [50 USC 40d(d)(3)] the Director of Central Intelligence (DCI) has the responsibility to protect intelligence sources and methods from unauthorized disclosure. To acknowledge the existence of records which document the type of relationship you have described would be in violation of the DCI's statutory responsibility. Your request, then, is denied pursuant to exemption (b)(3) of the Freedom of Information Act.

I wish to emphasize that this answer does not, by any means, imply that any sort of covert relationship exists between the CIA and any faculty member, student or employee of Amherst. You will understand, of course, that the CIA must consistently refuse to confirm or deny the existence of covert relationships whether, in any given instance, such a relationship exists or does not exist. To deny that such relationships exist in those instances where none exists and then to refuse to confirm or deny the existence of such relationships only in those instances where such do exist would make the refusal tantamount to confirmation. Thus, the CIA must in all cases refuse to confirm or deny the existence of covert relationships. (You may be interested in an opinion of the U.S. District Court in the Central District of California which addressed itself to a similar problem; Stanley D. Bachrack v. CIA, a copy of which is attached. In that case, the Freedom of Information requester had requested records concerning the relationship between a named individual and the CIA, and CIA had refused to confirm or deny whether it had records.)

Records [redacted] do indicate past contact with Amherst College, although such contacts were neither covert nor clandestine. [redacted] openly collects foreign intelligence from American citizens who voluntarily and without compensation provide information to their government. The most common example of this activity is the debriefing of an American citizen who has travelled abroad and who, because of his itinerary or particular field of knowledge, acquires foreign intelligence information. As stated in Mr. Bush's letter, these relationships are kept confidential, usually at the individual's request. The individual is free to acknowledge this type of relationship openly, but for CIA to do so would be a violation of his or her right to privacy.

Pursuant to paragraph (4)(B) subsection (a) of the Freedom of Information Act you have the right to seek judicial review of this determination in a United States district court.

Sincerely,

[redacted]

John F. Blake  
Chairman  
Information Review Committee

Enclosure